

**TOWN OF DAVIE  
REGULAR MEETING  
AUGUST 18, 2004**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:54 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. PRESENTATIONS**

**3.1. Broward County Mayor Ilene Lieberman**

Later in the meeting, Mayor Lieberman congratulated Council on the action it took with regard to the Sunny Lake property. She gave an update on funding received from the Broward County Commission and ways in which it was spent on programs, facilities, open space parcels and transportation services within the Town.

Mayor Lieberman advised that the visioning process by the County's task force had been completed. She asked that the public go to [www.visionbroward.org](http://www.visionbroward.org) to read the task force reports and provide feedback on recommendations that impacted cities before they were finalized and adopted.

Mayor Lieberman advised that at the League of Cities meeting, a funding conference would be held to discuss how various municipalities could fund improvements in their communities. Mayor Truex asked about the timetable for the library on Hiatus Road. Mayor Lieberman advised it was in the design phase. She asked that staff flag this project when submitted so approval could be expedited. Mayor Lieberman spoke of her satisfaction working with the Town.

Councilmember Starkey thanked Mayor Lieberman for her support of the Town and asked for the status on the home consortium. Mayor Lieberman explained that by adding the Town to a group under the County's umbrella, grant monies for home funds would be available for the first time. She advised that no city would receive less than \$100,000 and indicated that she believed the funds would be received by November 2004. Councilmember Hubert asked if those funds could be used for mobile homes. Mayor Lieberman indicated in the affirmative, so long as the unit was owner occupied.

Mayor Lieberman invited the public to contact her for any issues they wished to discuss further.

**3.2. Broward County Property Appraiser's Office - Sandy Jacobs, Regional Director**

Charlie Nelson, representing the Broward County Property Appraiser's Office, thanked Council for sponsoring the Property Appraiser's Outreach Program over the years.

**3.3. Senator Bill Nelson's Office - Willowstine Lawson, Regional Director**

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Ms. Lawson introduced herself and distributed information on outreach services the senator provided to Broward County.

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**3.4. Davie Police Explorers - Vice-Mayor Judy Paul**

Vice-Mayor Paul announced that the Davie Police Explorers had recently returned with an award from a national competition.

Police Chief John George explained that the Davie Police Explorers had competed nationally and invited Sergeant Wayne Boulier to speak. Sergeant Boulier commended the Davie Police Explorers on their national award.

Lieutenant Angel Colon thanked Council, staff, Chief George, Sergeant Boulier and all advisors for their support. He explained the nature of the competition and announced that Davie's Explorers were fourth ranked in the nation on traffic accident investigation. He added that the Explorers never scored below an 80% out of 315 posts and introduced fellow members of the Explorers team.

John Yoder, advisor to the Davie Police Explorers, spoke of his pride in supporting the team.

Mayor Truex asked who needed to be contacted if a young person wanted to join the Davie Police Explorers. Sergeant Boulier explained that the Explorers was part of Boy Scouts of America and was open to boys and girls age 14 and older with at least a 2.5 GPA or above. He indicated that interested youths could contact the Police Department.

**3.5. Broadview Park Civic Association - Jack Washburn, President**

Jack Washburn, representing the Broadview Park Civic Association, spoke of the community's ongoing upkeep and social activities.

Juan Formoso spoke of the assets of Broadview Park and indicated that he would prefer for the residents of his neighborhood to have a choice as to what city annexed them. He discussed the efforts and funding going into Broadview Park by Broward County, which was putting pressure on the community to be annexed.

Mayor Truex asked if Mr. Formoso could provide a copy of his presentation on disk for Council members. Mr. Formoso concurred.

Councilmember Hubert asked Mr. Formoso which municipality he would choose if he had a choice. Mr. Formoso stated that he wanted the residents of Broadview Park to select from three cities.

Councilmember Starkey advised that the League of Cities was trying to get the County to put forth all improvements in unincorporated areas, so that no matter which community was chosen, the residents would not have to take care of all improvements. She stated that the community was delightful and that Davie would welcome them.

Ms. Washburn spoke of her recent meeting with Plantation Mayor Rae Carole Armstrong.

**3.6. Water Matters Day 2004**

Jennifer Hurado, Water Resources Manager of Broward County Department of Planning and Environmental Protection, thanked Council for its support of the 2004 Water Matters Day. She spoke of the importance of Water Matters as an awareness and outreach event focused on conserving and protecting local water supplies. Ms. Hurado thanked Davie and the Town's Police Explorers for its participation and announced that March 19, 2005 would be the next

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scheduled Water Matters event. She summarized a report documenting all the achievements of the Water Matters Day and provided T-shirts for Councilmembers and staff.

Councilmember Crowley confirmed that the event would be held in Davie again next year and asked how much the Town contributed last year. Ms. Hurado replied that the Town had contributed \$2,500. Councilmember Crowley asked that Council approve earmarking that level of funding again next year. In a voice vote, all voted in favor.

**3.7. AIG Valic**

Mark Alan, Director of Human Resources Management, introduced Mr. Blake of AIG Valic who gave a presentation on the value added services that his firm could provide to the Town's employee benefits programs. Mr. Blake gave an overview of the services his firm offered including: 1) bringing in a company that was rated at the highest financial rating; 2) bringing in a high level of special services; 3) offering a wide array of investment advice; and 4) using a special pay plan that would allow employees to save payroll taxes and defer payroll taxes.

**3.8. State Road 7/441 Collaborative - Vice-Mayor Judy Paul**

Vice-Mayor Paul explained that the charette was very successful in redeveloping a plan to improve the Town's 441 corridor. She presented an \$80,000 check received for this effort which was first in a series of payments the Town would receive for participating in this program.

Mayor Truex advised that staff requested to table item 6.3 to October 6, 2004.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested to add item 6.4.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested to add item 8.2.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. May 5, 2004 (Regular Meeting)
- 4.2. May 19, 2004 (Workshop Meeting)

*Proclamations*

- 4.3. Florida Water, Wastewater, and Systems Operators Week (August 16-20, 2004)
- 4.4. International Association of Firefighters Week (August 30-September 6, 2004)
- 4.5. South Florida Trail Riders of Broward County Day (September 12, 2004)

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*Resolutions*

- 4.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING  
R-2004-202 THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF OPEN SPACE SITE OS-76, ALSO KNOWN AS VAN KIRK, AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE. (tabled from July 7, 2004)
- 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-203 AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND NOB HILL COMMERCE CENTER LLC, FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO THE Z.A.S. PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 5-1-04, Indian Ridge Commerce Center, 10220 State Road 84) (tabled from July 7, 2004)
- 4.8. **SETTLEMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2004-196 FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A STIPULATED SETTLEMENT AGREEMENT WITH FORMAN INDUSTRIAL LAND, LLC PERTAINING TO CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT CASE NUMBER 03-020380(02); AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 18, 2004)
- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-197 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, G.L. HOMES OF DAVIE ASSOCIATES III, LTD. AND HIATUS ROAD, LLC, FOR THE GRANT OF A TEMPORARY EASEMENT BY G.L. HOMES TO THE TOWN AND HIATUS ROAD, LLC; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (DA 6-2-04, Long Lake Ranches, 3201 Hiatus Road)
- 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2004-198 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SUNSHINE STATE BUILDERS INC., FOR THE INSTALLATION OF IMPROVEMENTS TO SATISFY TRAFFIC CONCURRENCY RELATING TO THE ZARBAFI ESTATES PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO

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SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 6-3-04, Zarbafi Estates Plat, 5150 South Pine Island Road)

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- 4.11. **RELEASE OF LIEN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A WAIVER AND RELEASE OF LIEN CONCERNING THE LIEN AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC.
- R-2004-199 4.12. **EASEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN DRAINAGE EASEMENTS FROM VARIOUS PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE. (Vista Filare)
- R-2004-200 4.13. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS CHEMIN DES PALMS II AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-2-03, Chemin Des Palms II, 5559 SW 61 Avenue)
- R-2004-201 4.14. **WAIVER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE WAIVER OF FEES FOR BUILDING PERMITS FOR BUILDING # 6 OF THE ARROWHEAD CONDOMINIUM COMPLEX LOCATED AT 2431 SW 82 AVENUE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Truex requested that items 4.3, 4.4 and 4.5 be removed from the Consent Agenda. Councilmember Hubert requested that item 4.14 be removed. Councilmember Crowley requested that item 4.12 be removed. Councilmember Starkey requested that item 4.16 be removed. Vice-Mayor Paul requested that items 4.7 and 4.13 be removed. Mayor Truex asked that item 4.11 be removed.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda minus items 4.3, 4.4, 4.5, 4.6, 4.7, 4.11, 4.12, 4.13 and 4.14. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3 Mayor Truex read the proclamation declaring August 16-20, 2004 as Florida Water, Wastewater and Systems Operators Week.

4.4 Mayor Truex read the proclamation declaring August 30-September 6, 2004 as International Association of Firefighters Week.

Mayor Truex commended the firefighters for their efforts for Hurricane Charley victims.

4.5 Vice-Mayor Paul read the proclamation declaring September 12, 2004 as South Florida Trail Riders of Broward County Day.

Kathy Cox invited Council to a Trail Riders Barbecue on September 12th at Tree Tops Park. She spoke of the mutually beneficial relationship between the Town and the Trail Riders.



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Mrs. Cox thanked Public Works/Capital Projects Director Bruce Bernard and his staff for always quickly attending to the safety and preservation of the trails.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve items 4.3, 4.4 and 4.5. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Councilmember Starkey stated that she had some concerns about the language in the interlocal agreement pertaining to the removal of invasive exotic species. She referred to page 6, to the section under Open Space Sites and stated that this language was in regard to exotic species such as Australian Pines, and referred to the area where the horses and trail would be. Councilmember Starkey suggested providing language to specify phased-in replacements, as she did not want to remove the canopy. She reminded Council of previous discussions where a ten-year period had been suggested to allow for the non-invasive species to build the canopy. Councilmember Starkey stated that many residents wanted to see the Australian Pines remain until they were phased out. She asked if a developer was in line to purchase mitigation credits on this site. Mr. Willi reminded Council that it was redeveloping the property as a wetland and stated that one developer was willing to do the whole site as one wetland mitigation project, under one agreement. He indicated that he was not under the impression that the Town was going to wait to do this as a phased project, but rather it was going to be done as a one-time project. Councilmember Starkey stated that the trails were supposed to be maintained meandering around the perimeter of the wetland itself; then the Australian Pines would be phased out with new plantings such as oaks and Florida Pines. She felt the wildlife would be displaced in the new wetland. Mr. Willi stated that the Town was creating a new wetland environment and a new wildlife environment, and that there would be a wide range of uses on the property. He advised that the Town had come a long way with the County. He felt the Town could go back and request minor changes but the Town might be told no. Councilmember Starkey advised that she wanted to show the specific rendering with the trail that went around the entire perimeter. She indicated that she wanted to approve this item with the condition that the Town go back to the County on the specific paragraph and amend it.

Councilmember Starkey referred to language in Section 4.7 and voiced her concern about the restriction on making enhancements. Councilmember Starkey also referred to page 8, Section 5.1.2 regarding the restriction on operation of any concession stand on-site by any non-governmental person or organization. Assistant Town Administrator Ken Cohen advised that people could not sell sandwiches and explained that this referred to for-profit entities. He stated that this language did not preclude residents from having small gatherings and picnics. Councilmember Starkey wanted to make sure educational outreach could be maintained at the site. She requested that if this item were approved by Council, that the next agenda include the mitigation contract.

Councilmember Starkey asked for an update on the mitigation contract. Mr. Kutney indicated the agreement was recently completed. Mr. Willi advised that Home Dynamics could not use all the acreage in one shot. He advised that the Town was looking for one developer to simplify the agreement and not have a conflict with the mitigation people on site. Councilmember Starkey spoke of the Stiles property and three acres that needed off-site

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mitigation. She stated she would rather move the process along and not risk waiting until someone else came along to find the biggest developer.

Mayor Truex asked if this point was germane to the agreement being discussed, or was it a different topic. Councilmember Starkey pointed out that there was a plan to be submitted to the County in a given amount of time and stated that she wanted to make sure the next step was in place. She indicated that there was a developer with a large amount of mitigation that was a big percentage of what was needed to get the project going.

Mr. Willi advised that Southern Homes was seeking to purchase mitigation credits. Mr. Cohen indicated that the Town should maximize what it could get out of the site. Councilmember Starkey asked if all the projects of Southern Homes were approved and asked what percentage of mitigation they had. Mr. Willi advised that Southern Homes did not even have projects within Town for mitigation, but could do projects within Broward County.

Vice-Mayor Paul spoke of the trees around the perimeter of the site. She felt one of the things at issue was until the inner trails were completed, some trees along 26th street area needed to remain. Vice-Mayor Paul did not want to disturb those trees further in off the road but felt a line of trees could be taken off near the drainage ditch and still leave a line of trees where the trail was. She felt that putting a wetland on the site the Australian Pines would work in a contradictory manner by absorbing a lot of the water needed to keep the wetland healthy. Vice-Mayor Paul wanted the Town to try to phase in a little longer and pick areas to start removing trees. Mr. Cohen indicated that the Town would ask for the option of five years. Vice-Mayor Paul indicated she wanted to see a public meeting held on this issue and hoped that Council could announce the date of this meeting at the next Council meeting.

Councilmember Crowley wanted to know if a completed site plan had been prepared. Programs Administrator Chris Kovanes indicated that a rendering had been created based upon the FCT application and until the first public meeting, staff would incorporate any changes. Councilmember Crowley asked if it had been shown to various permitting agencies. Mr. Kovanes indicated that staff preferred to receive comments from the public, then incorporate those comments, and then circulate them to the various permitting agencies. He advised of various meetings with the County and with the deputy attorney pertaining to the mitigation agreement. Mr. Kovanes also advised of an additional meeting with Mr. Mele and Home Dynamics where there was discussion about what would be allowable on the site. Mr. Kovanes wanted to hold the first public meeting on this item in order to have the public's comments incorporated in the agreement.

Councilmember Crowley recommended holding a meeting for the various agencies such as the South Florida Water Management District. Mr. Kovanes suggested holding a workshop and inviting the Army Corps of Engineers and DEPI, who he had been told, had conflicts with some aspects of permitting.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve subject to negotiating with the County to extend the phased tree removal period to five years. In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Vice-Mayor Paul asked if this was an extension of an earlier discussion regarding paying \$25,000 for installation of video detectors. She stated that she wanted to see the

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reinstallation of video detectors at the intersection of Nob Hill Road and State Road 84 because of the two schools and Fire Station. Vice-Mayor Paul objected to the manner in which the County placed this on their regional issues versus a local.

Councilmember Starkey suggested including language recommending approval subject to sufficient capacity of the local and regional network as determined by the County and the Town. She stated that an idea had been put forward to the growth management committee to start adopting the Town's own local network of plans for traffic needs. Councilmember Starkey felt at development stages, the Town had to require that local needs be addressed first, followed by paying a percentage to regional. She stated that the formula arrived at by the County and growth management committee was that 75% would go to local needs and 25% would go to regional needs. Councilmember Starkey voiced her concerns about this matter because of money spent and changes suggested and felt the area was finally coming on line with regard to traffic flow. She suggested that Vice-Mayor Paul ask that these projects be bumped up at MPO meetings.

Councilmember Starkey questioned if the Town could change language in the future. Mr. Willi indicated that the Town would go ahead of the County on this issue and instead of waiting for its determination on what was most important, the Town would obtain the County's list of required improvements. He advised that during the plat process, the Town would include in its motion that improvements be done at this location, which would put more pressure on the County and make it harder for them to use this anywhere else. Councilmember Starkey felt the Town should come up with a local improvement even if the Town did not have this as a master plan yet for transportation and local needs for future benefit.

Jose Gonzalez, representing the Nob Hill Commerce Center, explained that they were asked by the County to make a contribution to the total cost of the improvements. He voiced his firm's frustration as their project was at a standstill.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. Vice-Mayor Paul asked if the Town could attach a letter indicating that the Town did not approve of the County's methodology. Mr. Willi responded that the would probably be ignored. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Mayor Truex asked special counsel Mike Burke what the Town was specifically releasing. Mr. Burke advised that the agreement before Council was to release a lien agreement that the Town recorded in the public records and which burdened the Jolmy property. Mayor Truex asked how much money the lien was for and whether staff knew the amount. Mr. Burke indicated staff would be able to provide this figure and gave a summary of the OTTED agreement as it related to Jolmy. He advised that the proposal he was asked to present to Council was to release any obligation for Jolmy in effect to reimburse the Town for roadway improvements, to avoid that dispute from being carried out to its logical conclusion which would be a lawsuit. Mr. Burke recommended that if Council decided to release this agreement, that the Town condition this on Jolmy executing a release in favor of the Town with regard to any of the Town's obligations on the OTTED agreement. He advised that the net effect of this would be that the lien would be removed from the property, the Town would have made the improvements which benefited Jolmy's property, and people would go forward accordingly.

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Mayor Truex asked if everything had gone as planned, how much money the Town would have gotten back from OTTED. Mr. Willi responded \$1.4 million. Mayor Truex asked whether Jolmy could sue the Town if it signed the release. Mr. Burke responded in the affirmative and stated that the proposal related to obligations agreed to within the OTTED agreement.

Mayor Truex felt the Town had not made a mistake and therefore, he was not in favor of signing this release. He advised Council that if any member wanted to approve this, Council should adhere to Mr. Burke's advice and not sign without a condition for mutual release for all parties. He asked Mr. Willi if the Town had committed a million dollar mistake. Mr. Willi indicated that the Town held up its end of the agreement and indicated that Jolmy breached the agreement first. He stated that the lien was so subordinated that if the first lien holder foreclosed, the Town's lien rights would be foreclosed upon. Mr. Willi stated that even if there was an action, the Town would not realize any money. Mayor Truex felt that was too speculative. Mr. Willi advised that he had lengthy discussions with an agent on financing the property and advised that the lien was an impediment to financing the project.

Mayor Truex suggested that the agent schedule a meeting with Council and felt that \$1 million was a lot of money to walk away from. Mr. Willi indicated that it was important to remember that the infrastructure being put in place not only benefited Jolmy, but benefited all area property owners.

Councilmember Hubert stated that to her understanding, when the OTTED letter had been sent to the attorney, the Town did not respond within 30 days, thereby losing Spur Road. Mr. Burke felt that this was Jolmy's position, but he did not feel that it was entirely accurate. Mr. Willi clarified that the condition to not proceed with the construction of their project had been set by Council. He advised that it was never the Town's responsibility to deliver the Spur Road property to Jolmy for its use.

Vice-Mayor Paul wanted to clarify that if the Town took the lien off, Jolmy would be financed, with the Town finally seeing something vertical. Mr. Burke responded in the negative and explained that the condition on the site plan directly dealt with the controls.

Councilmember Hubert objected to Spur Road being used for purposes other than as a road. Mayor Truex stated that he was not sure why the Spur Road was even brought up as it had little to do with the release being discussed. He asked if Jolmy had a plan for Spur Road. Mr. Burke advised that Jolmy would like to use the Spur Road as the egress from their property. Vice-Mayor Paul was under the impression that they could go ahead and actually utilize the property they already had and get to and from that property without the Spur Road. She stated that this would enhance what they had, but they could still do the project without it. Mr. Willi agreed and indicted that this had always been staff's contention.

Mayor Truex felt \$1.5 million was a lot of money to leave on the table; however, he was open to negotiations. He believed it was clearly speculative that if the Town dropped the lien, it would not "pop out of the ground" the next day. Mr. Willi advised the Town had already issued foundation permits at their own risk and advised that the only obstacle to construction was financing. Mayor Truex stated that Jolmy did not have control over Spur Road.

Councilmember Starkey asked if there were others ahead of the Town on the lien for the property. Mr. Willi responded in the affirmative and stated there was a considerable sum of

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money involved. Councilmember Starkey felt there ought to be a way to negotiate two things: 1) a pay plan for Jolmy, certain requirements and conditions based on it to pay off a certain amount over time and 2) if Jolmy wanted to build it properly, that they modify the site plan not to include Spur Road. She spoke of other conditions that were problematic with the original site plan such as the fueling stations under a power line. Councilmember Starkey referred to previous discussions regarding the no-annexation agreement and she wanted that to be revisited if the Town was going to grant Jolmy a \$1.5 million release of lien that would protect the Town and its assets, since Jolmy would be making money on its project. She stated that she wanted Jolmy to build something.

Councilmember Hubert felt the Town had been wrong all along. She stated that the Town had invited Jolmy into the Town under an annexation agreement yet had tied Jolmy's hands for a very long time. Councilmember Starkey disagreed. Councilmember Hubert stated that the Town should release the lien and allow Jolmy to build. She advised the Town would be getting money in the tax base once the project was built. Councilmember Hubert commented that the Town owed Jolmy a road, a billboard, and the money from the billboard.

Vice-Mayor Paul stated that she also hated the idea of walking away from the \$1 million and felt the Town could not demand money when Jolmy had not gone vertical yet. She advised that the faster the property went up, the faster the Town would benefit from the tax base.

Mayor Truex asked if the Town could release the lien and then unrelease the lien if the project was not constructed. Mr. Burke responded in the negative and advised that the Town could leave the agreement in place but that the security for the lien could be released. He advised that there would be a potential obligation but no collateral to secure its payment. Mayor Truex stated that if Jolmy would agree to release the Town and agree that they would be responsible for the money, he would go along. Councilmember Starkey felt other issues should also be addressed. Mayor Truex stated that if it were removed and then replaced, it would be further subordinated. He felt that the security for the lien could remain.

Councilmember Hubert asked how much the Town paid to fix the road. Mr. Willi stated that he could not say that any part of the improvements installed were directly on Jolmy's property. Councilmember Hubert indicated that holding Jolmy liable for the entire area was not fair. Councilmember Starkey stated that this was done for every developer as development requirements dictated that developers make improvements to the whole area they affected.

Mr. Burke clarified that he had suggested that if the lien prevented Jolmy from constructing, then the Town might be able to remove the lien and retain the obligation. He felt the time might be getting to the point where this issue should be discussed more comprehensively.

Mr. Willi indicated there had been discussions with the principals of Jolmy regarding payments to the Town of \$2.5 million over a 20-year period. Due to the sensitive nature of the information, Mayor Truex suggested that Mr. Willi brief Council on this further. Mr. Willi recommended tabling this item until Council could be further briefed on this matter.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to September 14, 2004. In a voice vote, all voted in favor with Councilmember Hubert dissenting. (Motion carried 4-1)

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4.12 Town Engineer Larry Peters provided an update on the contractor's actions.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor with Councilmember Starkey out of the room. (Motion carried 4-0)

4.13 Vice-Mayor Paul asked if the wording previously suggested by Councilmember Starkey could be included on the plan and that she be informed when this change was made. Mr. Peters concurred. Councilmember Crowley asked where the improvements were going. Vice-Mayor Paul stated that there were no specific locations identified and asked that the improvements be made locally. Mr. Peters indicated that he had requested traffic calming improvements on 61<sup>st</sup> Avenue. Gus Khavanin, representing the petitioner, advised that the traffic concurrency had been approved by the County.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Councilmember Hubert asked how much the permits would have been if they were charged. Mr. Willi indicated \$33,400.

Councilmember Crowley asked that this item be approved.

Councilmember Starkey spoke of a press release by the Red Cross on all the disaster relief efforts for the families of Arrowhead. She asked that this be expedited.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

6.1. **EASEMENTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2004-25 **AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE TWO UTILITY EASEMENTS FOR THE "OAKES ROAD FIRE RESCUE STATION" PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading August 4, 2004 - all voted in favor with Councilmember Hubert being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.2. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2004-26 **APPROVING REZONING PETITION ZB 4-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 (HACIENDA VILLAGE), GENERAL INDUSTRIAL, TO M-3, PLANNED INDUSTRIAL PARK DISTRICT (TOWN OF DAVIE); AMENDING**

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THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-04, Jordan/Grundman, 3030 Burris Road) *Planning and Zoning Board recommended approval {Approved on First Reading August 4, 2004 - all voted in favor with Councilmember Hubert being absent}*

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert asked what the applicant was losing as this was not a housekeeping issue. Planning and Zoning Manager Fernando Leiva explained that the applicant was not going to lose anything. He advised that the petitioner had a site plan application that had been processed concurrently and indicated that the applicant was expanding an existing facility. Mr. Leiva added that the request was consistent with the use of the property and the applicant was consenting to the fact that the Town was applying an M-3 zoning on the property.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

*Item to be tabled*

**6.3. STAFF REQUESTING A TABLING TO OCTOBER 6, 2004**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REZONING CERTAIN REAL PROPERTY IN THE TOWN OF DAVIE AS SHOWN IN THE ATTACHED MAP FROM THE FOLLOWING ZONING DISTRICTS: HACIENDA VILLAGE (M-1, M-2, M-3, M-4, C-1, B-3, RM-5), BROWARD COUNTY (M-1, M-3, M-4, A-1, A-5, B-3), AND TOWN OF DAVIE (OLD CODE - RC-3, RC-8) TO VALID TOWN OF DAVIE ZONING DISTRICTS (B-3, M-1, M-2, M-3, RM-5, RM-8, RS, T) IN ACCORDANCE WITH TOWN OF DAVIE ORDINANCE NO. 2003-21; ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 MORE SPECIFICALLY DEFINED AS EAST OF FLORIDA'S TURNPIKE, NORTH OF ORANGE DRIVE TO THE NORTHERN AND EASTERN LIMITS OF THE TOWN AND ZONING CONFORMANCE AREA 2 MORE SPECIFICALLY DEFINED AS EAST OF UNIVERSITY DRIVE, SOUTH OF GRIFFIN ROAD, WEST OF 76 AVENUE AND NORTH OF STIRLING ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 16, 2004)

This item was tabled earlier in the meeting.

*Item to be added*

**6.4. AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING**

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2004-27        APPLICATION LA(TXT) 04-4 AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE RECREATION, OPEN SPACE AND CONSERVATION ELEMENT TO ESTABLISH A POLICY TO PROVIDE SAFE PUBLIC ACCESS TO WATER BODIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Earlier in the meeting, Town Clerk Muniz read the ordinance by title. Mr. Leiva summarized the planning report.

Mr. Leiva advised that the DCA did not consider the plan amendment as meeting the criteria for emergency amendment. Vice-Mayor Paul stated that she did not see the harm in going forward with it because there was an opportunity to lobby and felt Council could still make every attempt to get DCA to change their mind. She stated that part of the issue was that the FCT wanted to see Council pass this ordinance which would still show the FCT for grant purposes that this would happen. Vice-Mayor Paul felt this would be favorable when the Town was before the FCT on September 1st. She felt that since the money had already been paid to advertise it would be no further cost to do this.

Councilmember Starkey agreed with Vice-Mayor Paul. She felt this gave the Town an opportunity to show the FCT that the Town would include this in the Comprehensive Plan in the future and might earn extra points for the Sunny Lake project if this ordinance was adopted. Councilmember Starkey understood there could be an emergency if it met the threshold of monetary purposes. She was not sure if Council had expressed those concerns about money for appraisals and staff, as well as the jeopardy of losing the grant. Councilmember Starkey felt these factors constituted a monetary emergency. She felt that at the very least, Council should send a strong letter with a copy of the past ordinance to DCA to show this would cost the Town a lot of money and to indicate the Town wanted this to be considered now or later. Vice-Mayor Paul spoke of the cover letter transmitted a few days ago and advised that the letter indicated that the Town considered this an emergency. Councilmember Starkey advised that she had seen the letter and that it did not actually say the Town would lose money. She wanted to be able to cite this again using the information sent to the Town to show that it met the criteria for an emergency. Mr. Leiva confirmed that staff had outlined to DCA a number of challenges it was facing.

Councilmember Crowley did not understand why DCA did not regard this as an emergency. He felt it was crucial as the lake also helped with drainage in the neighborhood. Vice-Mayor Paul suggested that Councilmember Crowley also submit a letter to DCA. Councilmember Crowley recommended that one of the Town's lobbyists, Dave Ericks, should represent the Town on this.

Councilmember Starkey advised that Town representatives were flying to Tallahassee to talk to the FCT. She stated that prior to that, Mr. Ericks would need to be prepared ahead of time.

Mr. Willi indicated that Mr. Ericks had not been directed to work on this issue but that other lobbyists had, as well as staff. He advised of a recent conference call between DCA and FCT representatives and himself, Mr. Kiar, Mr. Leiva, Mr. Kovanes, Development Services Director Mr. Kutney, Bill Laystrom, and Richard Rubin. Mr. Willi stated that questions were



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asked of the Town and that the response was that this would not be considered an emergency. He recommended that Council adopt this ordinance with the worse case scenario that DCA would approve funding for January 2005.

Mayor Truex opened the public hearing portion of the meeting.

Bill Laystrom, representing the property owner, encouraged Council to transmit the land use text amendment and adopt the ordinance as this would also help the Town earn points in the grant funding process for this project.

Philip Busey felt that DCA's argument that this was not an emergency was flawed.

Richard Rubin was disappointed with the process so far and thanked Council for its determination in acquiring and preserving Sunny Lake.

Pam Pelkey spoke on behalf of Davie residents who wanted to encourage Council to move forward with the purchase. She stated that interested residents had looked into starting a 501(C)(3) organization to assist the Town with the effort to purchase the site. Ms. Pelkey advised that this effort was unsuccessful due to financial constraints but expressed the hope when funding was obtained, the group could make more progress through the Land Preservation Trust. She advised that volunteers were willing to work along with Boy Scout and Girl Scout troops to maintain the site. She thanked Broward County Commissioner John Rodstrom, the CBWCD, the Sierra Club and the Audubon Society for their support. Ms. Pelkey advised that several residents were flying to Tallahassee to show support at the FCT grant presentation.

Mayor Truex closed the public hearing.

Mayor Truex felt that despite setbacks, the Town needed to move forward. Councilmember Hubert spoke of letters received from Grants Specialist Colleen Ryan and Commissioner Rodstrom which indicated they felt the project would not be funded. Mayor Truex explained that it was too early to give up. He felt that if the Town did not get the park, he did not want to think that 150% effort was not given.

Councilmember Hubert wanted to know how many times the Town could apply. Mr. Willi advised that there were many projects that might have been awarded higher points than Sunny Lake that may drop out of the funding system, freeing up funds for the Town. He indicated that the Town had to make a decision on the sales contract by September 15th.

Councilmember Starkey asked Mr. Rubin if the ranking could be challenged. She advised that based on her past experiences, many other projects that the Town had tied with at 133 points had been funded. Councilmember Starkey stated the purpose of going to Tallahassee was to earn more community spirit points. Mr. Rubin agreed and advised that the Town had received a preliminary ranking of 130 which placed the Town on the contingency list for possible funding by next spring and summer. He stated the Town would not know until September 1st if FCT would accept Mr. Willi's points and advised of the importance of the community going up to Tallahassee in support of this project.

Councilmember Starkey asked if staff had looked at any areas where additional points could be garnered through challenge. Mr. Rubin indicated that the 130 score was a preliminary ranking and spoke of specific areas that he felt could be challenged. Councilmember Starkey asked if Councilmember Crowley could work with Mr. Willi to write an additional support letter on behalf of the CBWCD. Councilmember Crowley responded in the affirmative.

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Councilmember Hubert wanted to be sure the Town could back out in case it did not receive funding and would not be obligated to pay the \$3.4 million out of its own funds. Councilmember Starkey reminded Councilmember Hubert that what Council was passing that night was the comprehensive plan amendment to include recreation, open space and access to water bodies. Vice-Mayor Paul stated that Council was pushing this a little sooner in hopes of gaining the additional points at the time.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve subject to adding an additional section stipulating why the ordinance was an emergency. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes.. (Motion carried 5-0)

**7. APPOINTMENTS**

Councilmember Crowley advised that he had received a resume from a new resident of Forest Ridge who was a former district manager of the Plantation Water Control District with extensive experience. He recommended that if any Councilmember was interested, they could appoint him to the Water Advisory Board.

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- 7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.2. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 7.4. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Mayor Truex; two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.6. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

Mayor Truex appointed Pat O'Quinn.

**8. OLD BUSINESS**

- 8.1. Public Participation

Earlier in the meeting, Mr. Kiar discussed research done on the Town's public meeting procedures and of the legality of the Consent Agenda. He advised that he met with Mayor Truex, Vice-Mayor Paul and Ms. Aitken to discuss this issue. Mr. Kiar indicated that he issued a memo on July 29th regarding public meeting procedures and wanted it to be noted that the present procedures being used were the result of procedures that were outlined by the prior Town Attorney in his memo of May 4, 1995. He stated that he had looked at this, in addition to case law and Mrs. Aitken's recommendations. He advised that the Florida Supreme Court decision in the Florida Public Construction of Broward County versus Duran was the controlling case when dealing with public input within public meetings. Mr. Kiar commented that this decision had been correctly cited by Ms. Aitken in her letter, stating that the public was

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not to be deprived of public input where decisions affecting the public were being made. He advised that it was important to discern which deliberations affected the public and required their input.

Mr. Kiar stated that when the governing body was carrying out an executive function, that was traditionally conducted without public input, the Attorney General had opined that the public had the right to be present at these deliberations, but had no authority to participate in the deliberations. He stated that the governing body, when carrying out legislative functions, should afford the public a meaningful opportunity to give input. He advised that where the Council acted in a legislative capacity to enact rules or approve development orders that affected the public, those items may be construed as legislative in nature and should allow for public input.

Mr. Kiar spoke of site plan issues and indicated that these were quasi-judicial items subject to quasi-judicial review by the courts. He stated that his office had found no case law indicating that the public input requirements established for quasi-judicial items were not to be transferred to site plans, or site plans would have to be given judicial review distinct from other quasi-judicial items. Mr. Kiar advised that his office had reviewed Broward County's procedures and provided examples of its format. He stated that it was his office's opinion that using a separate agenda for development permits was advisable, as it was a fact that the public should be allowed to provide input on such matters.

Mayor Truex asked if anyone wished to speak on this item

Julie Aitken, 3801 Flamingo Road, wanted to clarify that the County allowed public input on the Consent Agenda and stated that residents could ask their Commissioners to pull items for discussion. Mayor Truex indicated that the Town had the same policy but conceded that it might not be as well known. Ms. Aitken stated that the Attorney General pointed out that it remained an unclear area of law which administrative items the public had the right to give input on. She stated that the restrictions on time, place and matter must be very well stated and that the Town could not govern the content of the public's speech. Ms. Aitken felt all rules adopted should apply to everyone in the room.

Norm Blanco, 2080 SW 72 Avenue, asked if the comments and additions made by the mayor to Mr. Kiar's report would be incorporated within public participation. Mr. Blanco took issue with previous meetings where he felt Mayor Truex had used negative language to describe his public comments. Mayor Truex stated that he had never used such language and pointed out that he felt basic politeness should be adhered to on all sides. Mr. Blanco asked if Mayor Truex was going to restrict what he said or the manner in which he said it. Mayor Truex indicated that he would not restrict what Mr. Blanco said.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, thanked Council for its time spent reviewing this issue. She indicated that she had reviewed the backup documentation on this item as well as the May 1995 policy set forth from the prior Town Attorney. She read aloud legal research that confirmed that the use of the Snyder decision with regard to the open public meeting was not correct. Ms. Stenzel-Nowicki stated that it was appropriate to give the public the right to speak on whatever it chose, and that public input was not considered testimony and therefore should be allowed in quasi-judicial items.

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Vice-Mayor Paul stated she would like to incorporate Ms. Aitken's version into a resolution specifically referring to comments that Ms. Stenzel-Nowicki made "by your including the Snyder decision in that special procedures for the open public hearing in your version, I don't think that" would fit into the nature of what Council was trying to do.

Vice-Mayor Paul felt Council was dealing with two issues: public participation and what constituted quasi-judicial matters. Based on Mr. Kiar's suggestion, she thought Council should go with the County's method of having a quasi-judicial consent agenda separate from the regular Consent Agenda. Vice-Mayor Paul thanked Mr. Kutney for incorporating Ms. Aitken's recommendations and putting it into writing based on what the County followed.

Vice-Mayor Paul indicated that she had been concerned that site plans needed to be dealt with as quasi-judicial matters. She felt that ever since Council took a site plan and heard it as quasi-judicial, it opened itself up to being very inconsistent. Vice-Mayor Paul recommended that what was added to the agenda format be incorporated into Ms. Aitken's recommendations. She also wanted Council to work on adopting a new methodology for dealing with site plan issues, or plats that were of concern to the public.

Mayor Truex spoke of e-mails that were circulated that were untrue. He stated that he had two people removed from meetings: one resident for hollering in the back after repeatedly being warned that shouting would result in being removed, and another resident for approaching the Town Attorney with a cane after being asked not to. Mayor Truex stated that all other accusations about the public being thrown out for being impolite or because they disagreed with Council were not true.

Mayor Truex spoke against taking items out of order unless absolutely necessary and pointed out that in some instances, he allowed people to speak longer than required especially if they were being highly critical of him. He indicated that he was offended by the false accusation that he shut people up for disagreeing with him and stated that he tried to set out what was reasonable in the rules. Mayor Truex spoke of instances where he had been lenient on the rules in order to give the public more of an opportunity to air their views. He stated that he liked for people to be polite and recognized that impolite people also had the right to come up and say what they wished. Mayor Truex advised that Mr. Willi had printed out some Charter rules regarding the public meetings and felt the rules he wrote included valid and reasonable points. He asked that if site plans were considered quasi-judicial, they should be advertised up front as quasi-judicial, then heard as quasi-judicial items. Mayor Truex asked that some neutral party or Mrs. Aitken write up the recommended rules. He stated that the public did not have the right to speak on every single item, which was why Council was elected.

Councilmember Hubert apologized for the hatefulness that Councilmember Starkey and Mayor Truex have experienced. She felt that the three-minute public speaking limit was fine to prevent the meetings from ending at 5:00 a.m.

Councilmember Crowley stated that he wanted to see what other cities did in this regard and felt there should be consensus from the Council as far as moving things around on the agenda. He stated that he watched a lot of government meetings and advised that in other cities, those who spoke out of turn from the floor were not tolerated.

Councilmember Starkey apologized and advised that if she spoke out of turn, it was never meant to offend anyone. She stated that she was okay with the way things were being

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handled currently and there were some housekeeping items Ms. Aitken brought up that might be worthy of addressing. Councilmember Starkey felt there should be decorum in conducting government issues and added that the meetings were not a platform or soapbox or an opportunity to spew venom and hate. She reiterated that in acting out government functions, people should behave as civilized human beings. Councilmember Starkey stated that over the years, there had only been a couple of occasions where the Mayor had to call people down and generally it was the same people. She felt that the rules set forth on the Town's agenda and its decorum rules were very good, along with the language recommended by Ms. Aitken. Councilmember Starkey stated that she had never seen an instance where the public had been denied the right to speak and spoke of things happening in the community such as e-mails being passed around, that were not always heard of. She felt this was a housekeeping item that needed to be cleaned up and she did not want to spend a lot of time on something that was considered a simple, housekeeping item.

Vice-Mayor Paul felt that Council could look at both recommended versions and blend those that were similar and try to make some adjustments. She reminded Council that she had been at the back end of negative comments as well and advised that when that happened, she tried not to defend herself or make statements to the public, but simply made a note of them and moved on. Vice-Mayor Paul felt that if Council expected respect, it had to be respectful to the public as well and that Councilmembers should not feel compelled to defend themselves every single time they were attacked. She advised that after a while, people who attacked her sometimes came back later with a softer attitude. She thought Council should conduct themselves in the same manner in which they expected the public to conduct itself.

Mayor Truex asked if Dean Alexander could work with Ms. Aitken or Mr. Kiar to come up with a better version of the decorum section. He also suggested that other neutral parties such as the Community Relations Advisory Board assist. Mr. Kiar indicated that he would be willing to participate. Councilmember Starkey liked Mayor Truex's idea to look at other cities' methods and bring this before the Community Relations Advisory Board.

Mayor Truex asked Ms. Aitken how she felt if Town counsel Andre Parke refined the documentation. Ms. Aitken agreed with this suggestion as this was a matter of law and not how people felt. Vice-Mayor Paul indicated that she was in favor of having Assistant Town Attorney Parke involved and referred to Mr. Kutney's memo. Mayor Truex asked Council how it felt about looking at site plans as quasi-judicial matters. Mr. Kiar stated that site plans and plats would have to be treated differently than they currently were. Mayor Truex asked Mr. Willi if he felt it was worth looking into treating site plans and plats as quasi-judicial issues. Mr. Willi recommended a meeting with Mr. Kiar to conduct an agenda review. He stated that if every site plan and plat was to be advertised for every meeting, it would be very costly. Mr. Willi recommended adding these to the quasi-judicial Consent Agenda and if the item turned out to be controversial, that it be tabled to the next meeting. Mayor Truex asked if the applicant had the right to opt out or pay up front, could they wait to see if the item was pulled. Mr. Willi felt the developers would not mind this.

Councilmember Starkey spoke of other municipalities and the School Board, where Consent Agenda items were pulled if a resident asked that it be pulled, after which the resident could speak on the issue. Mayor Truex pointed out that if it was quasi-judicial it would have to

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be noticed. Mr. Kiar advised that if the item was put on the quasi-judicial Consent Agenda and no one called it, it could be discussed or voted on. However, if it was pulled, then the item would be tabled. Mr. Willi advised that Council could always offer this alternative up front and advise that there would be an additional two-week delay to discuss all issues related. Mayor Truex asked Mr. Willi to address this immediately as it was high priority. He further advised that the new format including the quasi-judicial Consent Agenda would be utilized at the next meeting. Mayor Truex advised directing staff and Mr. Parke to proceed as expeditiously as they could on this matter. Council concurred.

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**8.2. Scheduling of Second Budget Workshop**

Council directed that another workshop be held prior to the Council meeting on September 7, 2004.

**9. NEW BUSINESS**

**CROSSING GUARD.** Councilmember Hubert asked that Council petition the School Board for a crossing guard on behalf of the children who attended Driftwood Middle School. Police Chief John George indicated that the Town paid for crossing guards and he would have staff contact Councilmember Paul.

**10. MAYOR/COUNCILMEMBER'S COMMENTS**  
**COUNCILMEMBER CROWLEY.**

**PUBLIC WORKS.** Councilmember Crowley spoke about the lighting at the new Public Works maintenance building. He thanked Mr. Bernard for addressing this.

**MEETING.** Councilmember Crowley announced that the CBWCD was holding a meeting with the Broward Everglades Task Force on August 20th.

**71ST AVENUE PARK.** Councilmember Crowley asked about the status of a name for the 71st Avenue Park. Mr. Willi advised that staff would be bringing this before Council.

**BERMAN PRESERVE.** Councilmember Crowley spoke about the Berman Preserve and asked if the Town had also taken possession of the wetland area. Mr. Parke indicated he had recently written to Mr. Kovanes detailing all the conditions and recent monitoring of the property in order to have these problems addressed.

**HURRICANE CHARLEY.** Councilmember Crowley spoke of the Town's response to Hurricane Charley. He wanted Council to look at its evacuation capabilities more seriously and was concerned that the Town would not have been able to provide evacuation facilities for mobile home residents if the disaster had fully hit the Town. Chief George stated that this burden had to be pushed on to the County.

**COUNCILMEMBER STARKEY.**

**SCATTERED SITES.** Councilmember Starkey indicated that she had correspondence from the League of Cities meeting with regard to "scattered sites, sheeted properties" that fell in unincorporated areas. She advised that there were draft agreements that needed to be implemented and that the County had requested a response from the Town on this matter. Mr. Willi indicated that the Town was addressing this issue.

**ELECTIONS.** Councilmember Starkey stated that Supervisor of Elections Brenda Snipes had suggested that the Town try to find Town employees who may be interested in as working as pollworkers or call center operators to provide help in the upcoming election. She suggested that the Town Hall be used as an early voting precinct as a good way to accommodate residents.

**GOLF TOURNAMENT.** Councilmember Starkey spoke of the fifth annual Soroptimists' Golf Tournament and advised that the Town had a second place team and a last place team. She presented last place certificates and golf instruction awards to the last place team. Councilmember Starkey thanked members of staff and the community who participated with this charity event.



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**MARLINS FUNDRAISER.** Councilmember Starkey spoke of the Go-Marlins Night fundraiser to be held September 19th to benefit the Police/Fire Memorial.

**SILVER RIDGE.** Councilmember Starkey asked if discussions regarding Silver Ridge Elementary Schools' playfield had been resolved. Mr. Cohen responded in the affirmative and the School needed to provide the Town with schedule information.

**VICE-MAYOR PAUL.**

**HURRICANE CHARLEY.** Vice-Mayor Paul thanked residents who donated supplies for Hurricane Charley relief efforts.

**ELECTIONS.** Vice-Mayor Paul reminded residents to vote in the primary elections on August 31st.

**WASTE COLLECTION.** Vice-Mayor Paul asked that the waste collection contract be discussed at the next meeting. Mr. Willi concurred.

**HIGH SCHOOL RODEO.** Vice-Mayor Paul congratulated the residents who participated in the High School Rodeo Nationals. She advised that a member of the Davie team placed 22nd out of 180 and had won a scholarship for Broward Community College.

**HORSES.** Vice-Mayor Paul spoke about the temporary housing for horses program as part of the Town's hurricane preparation measures. She advised residents to visit the Town's website for further information.

**TRAILS GUIDE.** Vice-Mayor Paul thanked Public Information Specialist Braulio Rosa for completing the *Trails Etiquette and Rules Guide*.

**COMCAST.** Vice-Mayor Paul spoke of the fee increase proposed by Comcast and advised that further discussions would be held on this soon.

**ORANGE PARK.** She spoke about "Mitzi Clark piece" over in Orange Park approved at the recent County Commission meeting.

**SUNNY LAKE.** Vice-Mayor Paul indicated she had met with Commissioner Rodstrom on Sunny Lake property.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:04 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk